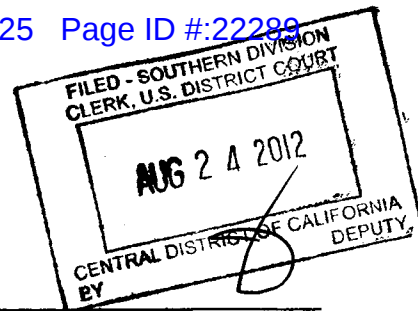


**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES



To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge DOC
 From: Denise Vo, Deputy Clerk Date Received: 8/20/12
 Case No.: CR08-1201-DOC Case Title: USA v. Cavazos et al
 Document Entitled: letter

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- ☐ Local Rule 11-3.1 Document not legible
- ☐ Local Rule 11-3.8 Lacking name, address, phone, facsimile numbers and email address
- ☐ Local Rule 11-4.1 No copy provided for judge
- ☐ Local Rule 19-1 Complaint/Petition includes more than ten (10) Does or fictitiously named parties
- ☐ Local Rule 15-1 Proposed amended pleading not under separate cover
- ☐ Local Rule 11-6 Memorandum/brief exceeds 25 pages
- ☐ Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents
- ☐ Local Rule 7.1-1 No Certification of Interested Parties and/or no copies
- ☐ Local Rule 6.1 Written notice of motion lacking or timeliness of notice incorrect
- ☐ Local Rule 56-1 Statement of uncontroverted facts and/or proposed judgment lacking
- ☐ Local Rule 56-2 Statement of genuine disputes of material fact lacking
- ☐ Local Rule 7-19.1 Notice to other parties of ex parte application lacking
- ☐ Local Rule 16-7 Pretrial conference order not signed by all counsel
- ☐ FRCvP Rule 5(d) No proof of service attached to document(s)
- ☐ General Order 08-02 Case is designated for electronic filing

☒ Other: Local Rule 83-2.11 No letters to the Judge

Note: Please refer to the court's Internet website at www.cacd.uscourts.gov for local rules and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

Date

U.S. District Judge / ~~U.S. Magistrate Judge~~

David O. Carter

DAVID O. CARTER

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 -ORIGINAL-OFFICE COPY 2 -JUDGE COPY 3 -SIGNED & RETURNED TO FILER COPY 4 -FILER RECEIPT

United States District Court

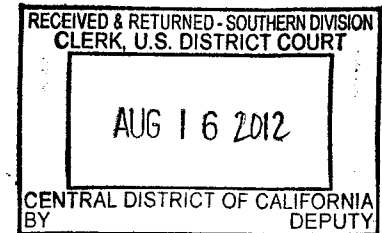
July 18, 2012

Central District of California-Western Division

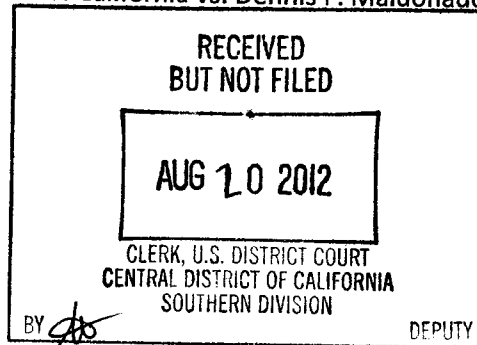
Honorable Judge David O. Carter

411 West Fourth St.

Santa Ana, CA 92701



RE: The People of the State of California vs. Dennis F. Maldonado
Case # B325486



Honorable Judge Carter:

Alcohol Tobacco and Firearms Agent John Ciccone and Montebello Police Officer Chris Cervantes claim that on April 8, 2007 they witnessed "Dennis Frank Maldonado" shoot two unarmed gang members. Even though several members of the Mongols were interviewed at or near the scene, Maldonado was not arrested until several months later. Agent Ciccone and Officer Cervantes along with a prospective member of the Mongols all testified in court to seeing exactly the same scene. Maldonado was sentenced to prison for shooting two unarmed gang members. At no time during their sworn testimony was Thomas "Danger" Zavala or anyone else accused of or even mentioned as taking part in the shooting. Ciccone, Cervantes and their witness make it clear that Maldonado acted alone in the shooting.

On February 22, 2008 ATF Agent Kozlowski while working undercover was informed by Mongols member "Kermit" that there was a second shooter in the Maldonado case. Being that Agent Ciccone and Officer Cervantes had already testified and could be accused of perjury, it was too late to recant their story. Maldonado was left to serve time for a crime he did not commit. Later the Maldonado case played a significant role in the Federal Grand Juries decision to indict my family, members of the Mongols Motorcycle Club and myself. Maldonado was also sentenced to Federal Prison for shooting the same two unarmed gang members. The Maldonado case was used to portray us as a violent group in front of the Federal Grand Jury.

In February of 2009 during a questioning by Agent Ciccone and Officer Cervantes I informed the two of what really happened at the Nicolas bar on the night of the shooting. I informed them of "Zavala's" participation and of how the gang members attacked Zavala. Agent Ciccone and Officer Cervantes appeared nervous and then they rushed out the door. I witnessed through the glass window in the door that they were conversing with each other. They returned and did not want to continue discussing the Maldonado case. My brother "Al Cavazos" was interviewed at the Nicolas bar on the night of the shooting. Al also met with Ciccone and Cervantes in February of 2009 during questioning he informed both Ciccone and Cervantes of Zavala's involvement and of the attack by the gang members. If someone honest would review the evidence such as multiple caliber shell casings, Blood location, the fact that Zavala received treatment for a gunshot wound just thirty minutes after the Nicolas shooting, witnesses who are not being offered time off of their prison sentence, justice may be found and a man who is in prison for a crime that he did not commit may receive a fair trial.

I understand that a large amount of money was spent on incarcerating us and the media coverage was also significant, but is this not the "United States of America"? That is what it says on my indictment papers. A great deal of

evidence that would clear Maldonado was uncovered not by my brother and myself but by the law enforcement officers who responded and gathered evidence at the scene of the shooting. It was the False Testimony by Agent Ciccone and Officer Cervantes along with the "I don't want to get involved mentality" by the seventy seven witnesses at Nicolas bar that sent a man to prison for a crime that he did not commit. The ATF and the Montebello Police Department say that my brother and I are disputing the facts after the trial is over and while we have nothing to lose. I have read about cases where even thirty-five years after the trial, evidence is reviewed and sometimes the case is overturned. Ciccone and Cervantes are not only standing by their testimony but, deny that my brother Al and I informed them in February 2009 of what really happened at Nicolas bar on the night of the shooting. On or about January 19, 2010 pre-sentencing reports were filed by the government and with the intent that my son and I may receive a longer prison sentence we were accused of having helped both Zavala and Maldonado after the Nicolas shooting. How is it possible that Ciccone and Cervantes can deny that Zavala played any role in the shooting in order to convict Maldonado yet use Zavala's role in that incident to enhance our prison time? Was including Zavala in the pre sentencing report just a blatant corruption on the part of the government? And what about the AUSA "Chris Brunwin", he also was made aware of all these facts and was present while I was questioned and he heard the facts regarding the Maldonado case.

I am thanking his honor in advance for taking the time to read this letter and reviewing the accompanying papers. On the morning of my arrest and throughout that day the government made sure the news media had access to information regarding our arrest, including television cameras in front of my family's home and photographs of my family and I at the Montebello Police Station. In order to continue to keep the news media up to date, I am sending copies of this letter to members of the news media.

Respectfully
Ruben "DOC" Cavazos

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT 33 HON. CRAIG J. MITCHELL, JUDGE
4

5 THE PEOPLE OF THE STATE OF CALIFORNIA,
6 PLAINTIFF,

7 VS.

8 DENIS F. MALDONADO,

9 DEFENDANT.

NO. BA325486

MAR 04 2008

10
11 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING
12 FEBRUARY 11, 21, 2008
13

14 APPEARANCES:

15 PEOPLE:

STEVE COOLEY, DISTRICT ATTORNEY
BY: GEOFFREY LEWIN, DEPUTY
210 W. TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

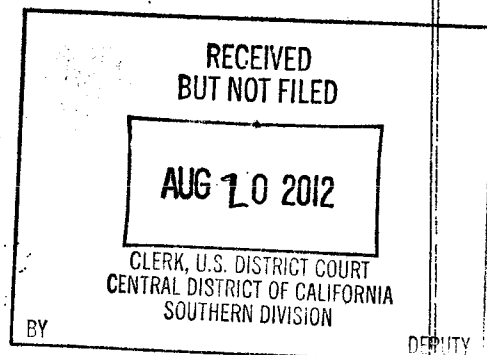
16
17
18 DEFENDANT:

DAVID JAY HAAS, ATTORNEY AT LAW

19
20
21
22
23 H.T.A.: 3/6/08, DEPT. 126

24 PAGES 4 THROUGH 190

25 VOLUME 1 OF 1



26 KATHRYN D. TIPPINGS, CSR #4439
27 OFFICIAL REPORTER, CSR, RPR, CRR
28

COPY

1 TESTIFIED AS FOLLOWS:

2
3 THE CLERK: DO YOU SOLEMNLY STATE THAT THE TESTIMONY
4 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
5 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
6 TRUTH, SO HELP YOU GOD?

7 THE WITNESS: YES, MA'AM, I DO.

8 THE CLERK: PLEASE BE SEATED IN THE WITNESS STAND.

9 PLEASE STATE AND SPELL YOUR FIRST AND LAST NAME
10 FOR THE RECORD.

11 THE WITNESS: CHRISTOPHER CERVANTES. FIRST NAME
12 CHRISTOPHER, C-H-R-I-S-T-O-P-H-E-R. LAST NAME
13 C-E-R-V-A-N-T-E-S.

14 THE COURT: COUNSEL, PLEASE.

15
16 DIRECT EXAMINATION +

17
18 BY MR. LEWIN:

19 Q DETECTIVE CERVANTES, WHAT IS YOUR CURRENT
20 ASSIGNMENT?

21 A I'M A DETECTIVE FOR THE MONTEBELLO POLICE
22 DEPARTMENT.

23 Q HOW LONG HAVE YOU BEEN A SWORN PEACE OFFICER?

24 A COMING UP ON 13 YEARS.

25 Q WERE YOU SO EMPLOYED ON THE EVENING OF APRIL
26 7TH, MORNING OF APRIL 8TH, 2007?

27 A YES, I WAS.

28 Q GOING BACK TO THE EVENING OF APRIL 7TH,

1 SATURDAY EVENING, SOMETIME AROUND 10:00, 11:00 O'CLOCK,
2 WERE YOU PARKED OUT OF NICOLAS' NIGHTCLUB IN EAST LOS
3 ANGELES?

4 A YES, I WAS.

5 Q AND ABOUT HOW FAR AWAY WERE YOU FROM THE
6 PARKING LOT OF THAT CLUB?

7 A I WAS DIRECTLY ACROSS THE STREET FACING IN AN
8 EASTERLY DIRECTION APPROXIMATELY 20 YARDS FROM THE
9 SOUTHERN PORTION OF THE PARKING LOT.

10 Q IS THERE SOMETHING YOU CAN POINT TO IN COURT
11 THAT MIGHT BE ABOUT THE DISTANCE BETWEEN WHERE YOU WERE
12 PARKED AND THE FRONT OF THAT PARKING LOT? OR WOULD IT
13 BE FARTHER THAN THE COURT?

14 A A LITTLE BIT BEHIND THOSE DOORS, THE BACK
15 DOORS.

16 THE COURT: AND FOR THE RECORD, THE DOORS FROM THE
17 WITNESS CONSTITUTE A DISTANCE OF 35 FEET. SO BEYOND
18 THAT A LITTLE BIT.

19 Q BY MR. LEWIN: DESCRIBE THE LIGHTING IN THE
20 AREA OF THE PARKING LOT ON THAT MORNING.

21 A THE PARKING LOT IS LIT BY OVERHEAD LIGHTS.
22 THERE ARE ALSO STREETLIGHTS AND THE LIGHT OF ONCOMING
23 TRAFFIC.

24 Q AND WERE YOU VIEWING THE PARKING LOT THROUGH
25 ANY TYPE OF EITHER BINOCULARS OR SOME TYPE OF DEVICE OR
26 JUST WITH THE NAKED EYE?

27 A JUST WITH THE NAKED EYE.

28 Q ANY ISSUES AT THAT TIME WITH YOUR VISION?

1 A NO.

2 Q DO YOU REMEMBER THE WINDOWS, IF YOU KEPT THE
3 WINDOWS DOWN OR UP THAT MORNING?

4 A I WAS LOOKING OUT OF THE FRONT WINDSHIELD. MY
5 SIDE WINDOWS CAME UP AND DOWN THROUGHOUT THE NIGHT.

6 Q IF YOU WOULD JUST DESCRIBE WHAT WAS GOING ON IN
7 THE PARKING LOT, LET'S SAY JUST THROUGHOUT THE EVENING
8 FROM ABOUT 10:00 UNTIL ABOUT 2:00.

9 A THE LOCATION --

10 MR. HAAS: I HAVE TO OBJECT. THAT CALLS FOR AN OPEN
11 NARRATIVE, HEARSAY, CALLS FOR -- IT'S TOO GENERAL.

12 THE COURT: CERTAINLY DOESN'T CALL FOR HEARSAY. IT
13 CALLS FOR AN EXTENDED OBSERVATION. OVERRULED.

14 MR. LEWIN: I CAN NARROW IT DOWN.

15 THE COURT: GREAT. NARROWING IS A WONDERFUL THING.

16 Q BY MR. LEWIN: WERE THERE CARS IN THE PARKING
17 LOT?

18 MR. HAAS: OBJECTION. VAGUE AS TO TIME.

19 THE COURT: WHEN YOU STARTED YOUR OBSERVATION, CARS
20 IN THE PARKING LOT?

21 THE WITNESS: YES, SIR.

22 Q BY MR. LEWIN: MOTORCYCLES IN THE PARKING LOT?

23 A YES, THERE WERE.

24 Q PEOPLE IN THE PARKING LOT?

25 A YES.

26 Q DID THAT REMAIN A CONSTANT FROM, SAY, AROUND
27 10:00 O'CLOCK UNTIL APPROXIMATELY 2:00 O'CLOCK IN THE
28 MORNING?

1 YEARS. PRIOR TO MY APPOINTMENT WITH THE MONTEBELLO
2 POLICE DEPARTMENT, I WORKED FOR THE LOS ANGELES POLICE
3 DEPARTMENT FOR APPROXIMATELY FIVE YEARS.

4 WHILE WITH THE LOS ANGELES POLICE DEPARTMENT, I
5 WORKED A VARIETY OF ASSIGNMENTS, INCLUDING CRASH UNITS
6 IN SOUTH L.A AND WEST L.A., WHICH ARE GANG UNITS.

7 I'VE WORKED NARCOTICS AND OTHER SPECIAL
8 PROBLEMS UNITS IN SOUTHEAST LOS ANGELES.

9 I'VE BEEN PROMOTED TO DETECTIVE AT MONTEBELLO.
10 I'M A GANG DETECTIVE AND NARCOTICS DETECTIVE.

11 I'VE WRITTEN -- I'VE AUTHORED TWO SEPARATE GANG
12 INJUNCTIONS AS IT RELATES TO THE MONGOLS OUTLAW
13 MOTORCYCLE GANG. I'VE TESTIFIED ON SEVERAL OCCASIONS IN
14 BOTH JURY TRIAL AND PRELIMINARY HEARINGS AND HAVE BEEN
15 RECOGNIZED AS A COURT QUALIFIED EXPERT IN THE FIELD OF
16 THE MONGOLS OUTLAW MOTORCYCLE GANG.

17 Q WE'VE BEEN REFERRING TO IT AS A MONGOLS OUTLAW
18 MOTORCYCLE GANG.

19 IS THAT HOW THEY REFER TO THEMSELVES?

20 A YES.

21 Q AND IT'S ALSO KNOWN AS MONGOLS OMG?

22 A WE ABBREVIATE THE OUTLAW MOTORCYCLE GANG.

23 Q APPROXIMATELY HOW MANY MEMBERS ARE THERE TO THE
24 MONGOLS?

25 A I WOULD SAY CURRENTLY THERE'S UPWARD OF
26 PROBABLY 6- TO 700 MEMBERS.

27 Q ARE THEY JUST IN SOUTHERN CALIFORNIA OR SPREAD
28 OUT THROUGHOUT THE COUNTRY OR CERTAIN AREAS?

1 Q AT ANY POINT DID YOU HEAR ANY GUNSHOTS?

2 A YES, I DID.

3 Q HOW MANY GUNSHOTS DID YOU HEAR?

4 A I HEARD SEVERAL.

5 Q WERE YOU ABLE TO DETERMINE AT THAT TIME, COULD
6 YOU TELL AT THAT TIME IF THEY WERE FROM THE SAME GUN OR
7 DIFFERENT GUNS BY SOUND?

8 A I WAS WATCHING THE DEFENDANT. I OBSERVED THE
9 DEFENDANT REMOVE A HANDGUN FROM HIS WAISTBAND AND BEGAN
10 TO FIRE ON BOTH VICTIMS.

11 I WAS NOT ABLE TO DECIPHER ONE GUN OR TWO GUNS,
12 BUT I DID SEE HIM FIRING ONE GUN AT BOTH VICTIMS.

13 Q DID YOU SEE -- WERE YOU ABLE TO SEE MUZZLE
14 FLASH?

15 A YES.

16 Q DID YOU EVER SEE, WITH THE MUZZLE FLASH YOU
17 SAW, WAS IT FROM TWO DIFFERENT GUNS OR JUST FROM ONE
18 GUN?

19 A ONE GUN.

20 Q WALDO SALAZAR TESTIFIED LAST TIME WE WERE IN
21 SESSION ABOUT GUNSHOTS, A PERIOD OF TIME THAT WENT BY
22 FOLLOWED BY MR. MALDONADO SHOOTING.

23 DO YOU REMEMBER THAT TESTIMONY?

24 A I BELIEVE HE SAID THAT HE HAD HEARD SHOTS PRIOR
25 TO OBSERVING MR. MALDONADO SHOOT.

26 Q WERE YOU PRESENT THE ENTIRE TIME FROM, LET'S
27 SAY, FROM MIDNIGHT TO 2:00 IN THE MORNING?

28 A YES.

1 SO THEN IT WOULD BE FAIR TO SAY THAT YOU WERE
2 IN THE POSITION YOU DESCRIBED EARLIER UNTIL THE POINT AT
3 WHICH YOU HEARD GUNSHOTS. THAT'S WHEN YOU ACTUALLY
4 START TO MOVE THE CAR, YOUR CAR?

5 A YES.

6 Q ALL RIGHT. THANK YOU.

7 YOU TESTIFIED THAT YOU WERE IN A -- I WASN'T
8 SURE IF YOU SAID IT WAS AN UNMARKED VEHICLE; IS THAT
9 ACCURATE?

10 A YES.

11 Q AND DID THAT VEHICLE HAVE -- ARE YOU FAMILIAR
12 WITH THE TERM MODAT OR MDT WITH IT?

13 A YES, I AM. AND NO, IT DIDN'T.

14 Q NOW, YOU WERE ACCOMPANIED AT THAT POINT IN THE
15 CAR BY -- WOULD IT BE INVESTIGATOR CICCONE?

16 A YES.

17 Q INVESTIGATOR CICCONE, HE'S EMPLOYED BY THE
18 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, CORRECT?

19 A YES.

20 Q NOW, HE DIDN'T WRITE A REPORT IN THIS CASE;
21 JUST YOU, CORRECT?

22 A YES.

23 Q NOW, HAD YOU EVER SEEN DENIS MALDONADO, THE
24 ACCUSED IN THIS CASE, BEFORE THAT EVENT?

25 A NO.

26 Q HOW MANY TIMES WOULD YOU SAY THAT YOU HAD
27 CONDUCTED SURVEILLANCE ON THE MONGOLS LET'S SAY IN THE
28 YEAR BEFORE THE EVENT?

Gum Alley *Gang Alley* 316
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
01 DENIS FRANK MALDONADO, JR (01/16/1978),
aka STEAKY
Defendant(s).

CASE NO. BA325486

**FELONY COMPLAINT
FOR ARREST WARRANT**

The undersigned is informed and believes that:

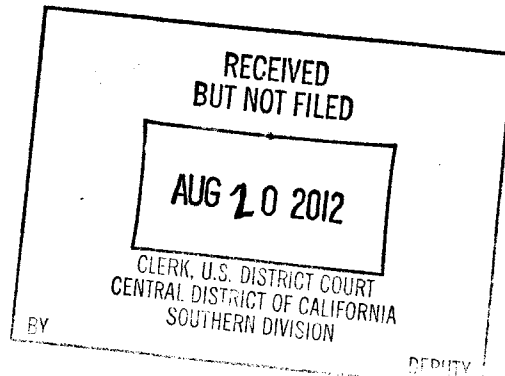
COUNT 1

On or about April 8, 2007, in the County of Los Angeles, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a Felony, was committed by DENIS FRANK MALDONADO, JR, who did unlawfully, and with malice aforethought attempted to murder MARCELLO GARAY, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)."

It is further alleged pursuant to Penal Code section 12022.7(b) that in the commission of the above offense the said defendant(s), DENIS FRANK MALDONADO, JR, personally inflicted great bodily injury upon MARCELLO GARAY, not an accomplice, and that said injury caused MARCELLO GARAY to become comatose due to brain injury and to suffer paralysis.

* * * * *



COUNT 2

On or about April 8, 2007, in the County of Los Angeles, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a Felony, was committed by DENIS FRANK MALDONADO, JR, who did unlawfully, and with malice aforethought attempted to murder ZEUS SANCHEZ, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)."

It is further alleged as to count(s) 1 and 2 that said defendant(s), DENIS FRANK MALDONADO, JR personally and intentionally discharged a firearm, a handgun , which proximately caused great bodily injury and death to MARCELLO GARAY, ZEUS SANCHEZ within the meaning of Penal Code section 12022.53(d).

It is further alleged that said defendant(s), DENIS FRANK MALDONADO, JR personally and intentionally discharged a firearm, a handgun , within the meaning of Penal Code section 12022.53(c).

It is further alleged that said defendant(s), DENIS FRANK MALDONADO, JR personally used a firearm, a handgun , within the meaning of Penal Code section 12022.53(b).

It is further alleged that in the commission of the above offense the said defendant(s), DENIS FRANK MALDONADO, JR, personally inflicted great bodily injury upon ZEUS SANCHEZ, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count(s) 1 and 2 that the above offense was committed for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further and assist in criminal conduct by gang members.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* 2007 U.S. LEXIS 1324.


Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) DENIS FRANK MALDONADO, JR for the above-listed crimes. Wherefore, a warrant of arrest is requested for DENIS FRANK MALDONADO, JR.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA325486, CONSISTS OF 2 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on August 10, 2007


CERVANTES
DECLARANT AND COMPLAINANT

.....
STEVE COOLEY, DISTRICT ATTORNEY

BY: 
RONALD E. GOUDY, DEPUTY

AGENCY: MONTEBELLO PD I/O: CERVANTES
DR NO.: 076429 OPERATOR: KO

ID NO.: 1111 PHONE: (323) 887-1212
PRELIM. TIME EST.: 2 HOUR(S)

DEFENDANT	CII NO.	DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
MALDONADO, DENIS FRANK JR	011931973	1/16/1978	9702333	\$2,080,000	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

DENIS MALDONADO

BAIL: \$ _____

DATE: _____

Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

<u>DEFENDANT</u>	<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
------------------	----------------	------------	------------------------	-------------------------	-----------------------------

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

DENIS FRANK MALDONADO, JR

<u>Count No.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Special Allegation</u>	<u>Alleg. Effect</u>
1	PC 664/187(a)	Check Code	PC 12022.53(d)	+25Y-Life, MSP*
			PC 12022.7(b)	+5 Yrs
			PC 186.22(b)(1)(c)	+10 Yrs.
2	PC 664/187(a)	Check Code	PC 12022.53(d)	+25Y-Life, MSP*
			PC 12022.7(a)	+3 Yrs
			PC 186.22(b)(1)(c)	+10 Yrs.

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

DENIS FRANK MALDONADO, JR _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

DENIS FRANK MALDONADO, JR _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate

MONTEBELLO POLICE DEPARTMENT
SPECIAL INVESTIGATIONS UNIT

CASE NUMBER: 07-6429

CHARGE: 664/187 PC

SUSPECT:

Denis Frank Maldonado Jr. 1/16/78

VICTIM(S):

On 4/7/07 my partner Special Agent Ciccone (ATF) and I were conducting routine checks of known hangouts of The Mongols Outlaw Motorcycle Gang (OMG). One of these locations is Nicolas' Bar located at 960 Gerhart in East Los Angeles. The bar is a known hangout for the Mongols OMG and is often frequented by other Hispanic gang members from in and around Los Angeles County. The location is often used by the Mongols OMG as a meeting place for various gang related functions such as parties and a gathering spot after funerals and motorcycle runs. My partner and I have conducted surveillance at this bar on numerous occasions and have observed members from the Mongols OMG congregate there on a regular basis.

*How many times in
past 6 mos / 1 yr.
have police been
there?
Known hangout
often frequented
often used
many times*

On 4/7/07 at approximately 2300 hours we established surveillance at this location in an attempt to monitor the heavy population of numerous members of The Mongols OMG who appeared to be having a club event. Our observation post was approximately twenty yards from the south parking lot of the bar. Our view was unobstructed and lit by that of overhead streetlights. Upon our arrival we observed approximately forty to fifty members at the location, many of which were wearing their Mongols riding vests. The members were walking in and out of the bar and congregating in the parking lot. We observed several motorcycles parked at the location and members from the gang acting as security as the event took place. Security is done by the gang at functions such as these and is common protocol we have seen on several occasions. Many of the motorcycles were parked just east of the front door and were being watched by a male Hispanic approximately 5'8" 200 lbs with black hair wearing a black Mongols riding vest with a diamond "P" patch on the bottom. This individual was later identified as Waldo Salazar 10/4/68. Also observed were members from the San Diego, Hollywood, Santa Fe Springs, Montebello, Mother, La Mirada, San Jose, Whittier, Highland Park and East Los Angeles chapters to name a few. Many of these members were known to us from prior contacts and surveillances. Also at the location were several members from the Gage Maravilla Street gang a gang whose territory lies in and around the greater East Los Angeles area.

*Identified and
observed -
How many -*

Westerly parts of the So. parking lot

At approximately 0200 hours the bar was closing and several of the patrons were making their way out of the bar. At this time we observed two members from the Gage Maravilla street gang and two members from the Mongols OMG engaged in what appeared to be a verbal argument in the westerly portion of the south parking lot. The two Maravilla gang members were better described as male Hispanics with shaved heads. One subject was approximately 6'3" 240 lbs and later identified as Victim Zeus Sanchez. The second subject was approximately 5'8" 200 lbs and later identified as Victim Marcelo Garay. The Mongols OMG members were both male Hispanics. One subject was approximately 5'6" 220 lbs with a black pony tail and a goatee wearing a black Mongols riding vest with a Santa Fe Springs side rocker, later identified as Suspect Denis Maldonado Jr. The second subject was approximately 5'10" 190 lbs also wearing a Mongols riding vest with an unknown side rocker. There were also various females and other members of the Mongols OMG in and around the parking lot who appeared to have their attention drawn to the argument. During the argument Suspect Maldonado reached into his waistband and brandished a blue steel handgun. He pointed the weapon and began to shoot several rounds at both victims. Both victims dropped to the ground as he continued to fire. During the volley of gunfire several of the bar patrons began running in attempt to seek cover. We then observed Suspect Maldonado walk into the crowd while removing his Mongols riding vest. After removing his vest he appeared to be placing the handgun underneath as he was folding it. He then handed the vest to an unknown member who was also wearing his Mongols riding vest. This particular member then walked towards the front door and handed the vest to Suspect Salazar who received the item and walked towards Gerhart. As Suspect Salazar walked towards Gerhart he too was removing his riding vest. Suspect Maldonado then re-emerged through the crowd and entered an awaiting blue Chevy Suburban that was also in the parking lot. The Chevy Suburban then drove away southbound on Gerhart and out of sight. During this time I was broadcasting the events via my police radio in attempt to summons a police response from both the Montebello Police Department and the East Los Angeles Sheriffs Department. I repositioned my vehicle as Suspect Salazar walked in front of us holding two black Mongols riding vests. He walked to the rear of a black Toyota Corolla California license number 5DJX576, opened the trunk, and placed the vests inside. He entered the driver's side and attempted to drive away. I advised responding units, at which time Montebello Police Officer Martinez conducted a traffic stop on the vehicle. Believing that the handgun used in the shooting was in the trunk after being put there by Suspect Salazar, I advised Officer Martinez, who detained Suspect Salazar. Officer Martinez received consent from Suspect Salazar to search the vehicle. During the search of the vehicle Officer Estupinian located a Baikal AP- .380 semi-automatic blue steel handgun inside the left pocket of the vest with the Santa Fe Springs side rocker. The vest worn by Suspect Salazar was also located along with other Mongols OMG related paraphernalia, see Officer Estupinian's supplemental report for details.

As this was occurring several members of the Mongols OMG walked into the bar. We also observed Victim Sanchez lying on the west sidewalk of Gerhart while Victim Garay was being carried by two-unknown male Hispanics to a black Chrysler. East Los Angeles County Sheriffs Deputies tended to the Victims and summoned medical aid. We observed Victim Sanchez to be shot in the face and Victim Garay shot in the back.

How many
a lot?

Shooting
ok place.
we were
found?
gunmen?

was car
went to
drive away
Ya!

Later identified
as
Den - Boy who

Subjective
why weren't
they caught
following?

to front doors?
Deni was
standing still.
in parking lot

Said said
placed the gun
underneath
as he was folding
it.

Good
point

How long?

A coordinated effort to contain the bar was also established. Los Angeles County Fire Department personnel from Fire Station 22 and Squad 3 treated the victims who were then transported to USCMC for further medical aid.

Has Denis been field identified?

Officers from both the Los Angeles County Sheriffs Department and the Montebello Police Department contained the crime scene. *P how long* During the investigation several people were field identified. Approximately 16 members from the Mongols OMG were detained inside the bar and were also field identified. There were no statements given by members of the Mongols OMG. East Los Angeles Deputy Correa recovered an additional blue steel Smith and Wesson .380 handgun serial number RAJ6520 lying in the planter next to the manager's office. *blue steel*

What X's? Silver blue guns

4/8/08

S/g

o. later

At approximately 0430 hours *2.5 hrs later* Montebello Evidence Technician Sahgun #213C responded and processed the crime scene. A total of seven .380 auto casings were recovered along with three .32 auto casings were recovered in the parking lot where the shooting occurred. The entire crime scene was photographed and all evidence was later booked into Montebello Property. See Evidence Technician Sahgun's property report for details. *not all*

DENIS FRANK MALDONADO A.K.A. "STEAKY" ALTERS APPEARANCE:

not

On 5/9/07, Denis Maldonado was arrested by Los Angeles County Sheriff's Deputies in the City of Pico Rivera. Photographs were taken. Upon reviewing the photographs we observed Maldonado to have shaven his head and goatee. Further, a full Mongols OMG three-piece patch was freshly tattooed on his head. A member wishing to wear this tattoo is to get permission from the governing "Mother chapter". *Subjective* It is unusual that a fairly new member such as Maldonado would get this tattoo unless he did something above and beyond the "normal call of duty" for the club, such as this shooting. *has never seen this before, he reports*

INJURIES:

was in a el across the from montebello - gang entrance

On 4/8/07 at approximately 0400 hours Officer Contreras responded to USCMC regarding Victims Garay and Sanchez. Doctor Zalamea advised that Victim Garay sustained multiple gunshot wounds and that he would be paralyzed from the waist down. He was being treated in intensive care. Doctor Kobayashi treated Victim Sanchez who also sustained multiple gunshot wounds and was in stable condition. See Officer Contreras' supplemental report for details.

he knows Maravilla!!

On 4/9/07 at approximately 1430 hours SA *Ci...* *ed to USCMC and* spoke with both victims. Victim Garay (*pe* *)* indicated that he did not know who shot him. He did say that he knew the Mongols were at the bar and involved in an argument with him. Victim Garay admitted being from the Gage Maravilla street gang. I asked Victim Garay if a member from the Mongols OMG shot him and he stated, "Man, I thought we all got along." He was in obvious pain and according to the on duty nurse he was paralyzed from the waist down. Victim Garay sustained two gunshot wounds to the back where the rounds lodged near his spinal area.

Another round was lodged in his left shoulder. No rounds were recovered from his body as of date. The treating physician was not available.

We also spoke with Victim Sanchez (F) who was alert and oriented. He too admitted being from Gage Maravilla. He indicated that he had been shot in the face and possibly the buttocks. When asked what happened he indicated that he was coming out of the club and got shot. He did not know who shot him. I asked him if his gang got along with the Mongols OMG and he stated, "I thought so."

Shot by X ii people
1 in front
1 in back

MONTEBELLO POLICE DEPARTMENT SUPPLEMENTARY REPORT

CODE SECTION
664/187 PC

INDEXABLE INFORMATION

S

PRINTS

TT DATE:

NCIC DATE:

DATE

4-8-07

TIME

0208

S/I Salazar, Waldo Ivan

CASE #
07-6429

CI #1

CI #2

CI #3

CI #4

CI #5

RES. 323 276-6208

BUS. 213 730-6390

RES.

BUS.

RES.

BUS.

RES.

BUS.

RES.

BUS.

LOSS VALUE

RECOVER
VALUE

REFERENCE - OTHER CASE NOS.

RECOVERED PROPERTY:

On the indicated date and time, I responded to 960 Gerhart (Nicholas) regarding a shots fired call. Upon my arrival, I helped conduct an inventory search of a vehicle (5DJX576) that was involved in the criminal activity. As I searched the interior of the vehicle, I located (2) leather vests in the trunk of the vehicle. The first patch has black Mongols motorcycle riding vest. On the right front side of the vest, there are four patches: patch has Mongols, which is the name of the gang, and the second patch has California, which is the state the member is from. The third patch has S.F.S, which stands for the Santa Fe Springs chapter. The fourth patch has Charter Member, which means this member was in this chapter when it was first initiated.

On the lower right side of the vest, there is a patch that has a diamond shaped patch with a head of Ghr Kahn with the words "Fallen Brother". On the left side of the vest, there is a diamond shaped patch with 1/2 letters M.F.F.M in the middle. In this vest, I located a Baikal -ACP.380 Cal semi-automatic blue steel handgun, and it was booked by Ida Sahagun# 213C Evidence technician.

The second vest I located is described as a black Mongols motorcycle riding vest. On the right side of the vest, there are three patches. The first patch has "Mongols", which is the name of the gang. The second patch has the word "California", which is the state where the member is from. The bottom patch has the letters "S.F.S" for San Gabriel Valley, this depicts the chapter that the member is from. On the lower front left side of the vest, there is a white diamond shaped patch, with a black "P" in the middle.

The "P" stands for probationary member. The back of the vest has three patches, which is referred to as the "3 piece patch". The first patch has Mongols sewed on the top. The second is the center patch which depicts a character on a motorcycle. The bottom patch has the word "California" which depicts the state the member is from. The vehicle was impounded for evidence. For further on the impound see C.H.P180.

OFFICER

tupinian

SERIAL NO.
1351

DR #: 07-6429

MONTEBELLO POLICE DEPARTMENT
SUPPLEMENATAL REPORT

04/08/07

SUSPECT: V/1 Garay, Marcello/ 10-31-81
V/2 Sanchez, Zeus


SUMMARY:

On 04/08/07 at approx. 0400 Hrs, I was dispatched to U.S.C. Medical Center (LCMC) regarding a 664/ 187 P.C. - Attempted Murder. V/ Garay and V/ Sanchez were both transported to U.S.C. Medical Center to be treated for their injuries. Upon my arrival, I contacted Deputy Rodriguez from the East Los Angeles Sheriff's Department who advised me that V/ Garay (Pati) was located in the intensive care unit on the 9th floor, and that V/ Sanchez (Pan) was in surgery being treated for his injuries on the 16th floor. I then contacted Doctor Zalamea who was treating V/ Garay in the intensive care unit. Doctor Zalamea advised me that V/ Garay sustained multiple gunshot wounds to the chest and buttocks area, and that V/ Garay was in stable condition and will be paralyzed from the waist down. I could not interview either V/ Garay or V/ Sanchez for a statement or personal information, due to the fact that they were being treated for their injuries. Doctor Kobayashi was treating V/ Sanchez who sustained multiple gunshot wounds and was in stable condition in surgery. No physical evidence was able to be collected from either victim's at the time of this report.

front and back?
red trauma
stated.

Have any sense?

Contreras #1352

 #1352

CLEARED _____ ACTIVE _____ REF'D CIVIL _____

CHECK 1 OR MORE

- ☐ FOUND
- ☐ SAFEKEEPING
- ITEM# _____
- ☒ EVIDENCE
- ☐ SEARCH WARRANT

LOCATION FOUND: NICOLA'S
960 Gerhart Ave. 1A, CA90022 DATE/TIME: 4-08-07 @ 0430

☐ SUSP
☒ VICT SANCHEZ ZEUS TRISMEGISTO
☐ OWNER

ABOVE ADDRESS: _____

FINDER'S NAME: _____
 ADDRESS/PHONE# _____

CASSIFICATION

07-6429

FELONY

ADDITIONAL SUSPECTS: _____

CHARGE: 664/187 PC

ITEM # LEAVE BLANK

DESCRIPTION

1

One burnt cigarette with blood

2

One gold .380 Auto Win casing

3

One gold .380 Auto Win casing

4

One gold .380 auto win casing

5

One gold RP 327Auto casing

*One X-ray film
from defendant*

*Is it possible that
other casing were taken?*

APPROVED BY: _____

BOOKING EMPLOYEE/CITY# _____

DATE / TIME RECEIVED: _____

DATE/TIME: _____

MONTEBELLO POLICE DEPARTMENT

Property / Evidence ContinuationDate: 4-08-08Time: 0430DR# 07-6429Recovery Location: 960 GERHART AVE., LOS ANGELES, CA 90022[] Found Property [] Safekeeping ☒ Evidence [] Search Warrant

#	LEAVE BLANK	(DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One gold .380 Auto Win casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One gold RP 32 Auto casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	On gold RP 32 Auto casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One gold .380 Auto Win casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One gold .380 Auto Win casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One gold .380 Auto Win casing (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One Memory Card with photos of scene (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One black with white patches MONGOLS sleeveless vest (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	One handgun; Md1---Baikal-Mk Mk: Baikal Md1: JJ70-17A Cal: .380-ACP S/N: G020976 (DESCRIBE EACH ARTICLE)
#	LEAVE BLANK	Two stickers with MONGOL logo (DESCRIBE EACH ARTICLE)

Same gun on different guns
? location

Employee	Date / Time	Approving Supervisor	Date / Time	Received By:	Date / Time Received:
UN 213C	4-8-07				

Page 2 of 3

*What does what's
in waldo's trunk
have to do with Deni?*

MONTEBELLO POLICE DEPARTMENT

Property / Evidence Continuation

Date: 4-8-07Time: 0430DR# 07-6429Recovery Location: 960 Gerhart Ave., LA, CA 90022☐ Found Property☐ Safekeeping☒ Evidence☐ Search Warrant

ITEM #	LEAVE BLANK	(DESCRIBE EACH ARTICLE)
16		Three black long sleeve shirts with MONGOL logo
17		One black sleeveless Mongol vest with "1%er MPFM" rocker
18		Set of keys
19		One pair of blue men's LEVIS jeans with blood
20		One black tank top style t-shirt with blood
21		One white long sleeve thermal shirt with blood
22		One pair of black DICKIES brand shirt with blood
23		One white ECHO UNITED t-shirt with red lettering
24		One black Motorola Cell phone
25		One men's LEVIS black leather wallet belonging to Sanchez, Zeus T.

Working Employee	Date / Time	Approving Supervisor	Date / Time	Received By:	Date / Time Received:
ahagun 213C	4-8-07				